

FILED: September 23, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 22-1721
(1:19-cv-00272-LCB-LPA)

MAXWELL KADEL; JASON FLECK; CONNOR THONEN-FLECK; JULIA
MCKEOWN; MICHAEL D. BUNTING, JR.; C.B., by his next friends and
parents; SAM SILVAINE; DANA CARAWAY

Plaintiffs - Appellees

v.

DALE FOLWELL, in his official capacity as State Treasurer of North Carolina;
EXECUTIVE ADMINISTRATOR OF THE NORTH CAROLINA STATE
HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES

Defendants - Appellants

and

NORTH CAROLINA STATE HEALTH PLAN FOR TEACHERS AND STATE
EMPLOYEES; STATE OF NORTH CAROLINA DEPARTMENT OF PUBLIC
SAFETY

Defendants

CONSTITUTIONAL LAW PROFESSORS; COMMONWEALTH OF
KENTUCKY; COMMONWEALTH OF VIRGINIA; STATE OF ALABAMA;
STATE OF ALASKA; STATE OF ARKANSAS; STATE OF FLORIDA;
STATE OF GEORGIA; STATE OF INDIANA; STATE OF IOWA; STATE OF
KANSAS; STATE OF LOUISIANA; STATE OF MISSISSIPPI; STATE OF
MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF

NORTH DAKOTA; STATE OF OHIO; STATE OF OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF TEXAS; STATE OF UTAH

Amicus Supporting Appellants

NEW YORK; CALIFORNIA; COLORADO; DELAWARE; HAWAII; ILLINOIS; MAINE; MARYLAND; MASSACHUSETTS; MINNESOTA; NEVADA; NEW JERSEY; NEW MEXICO; OREGON; RHODE ISLAND; VERMONT; WASHINGTON; DISTRICT OF COLUMBIA; AMERICAN MEDICAL ASSOCIATION; AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS; AMERICAN PSYCHIATRIC ASSOCIATION; AMERICAN ACADEMY OF PEDIATRICS; ENDOCRINE SOCIETY; NORTH AMERICAN SOCIETY FOR PEDIATRIC AND ADOLESCENT GYNECOLOGY; NATIONAL ASSOCIATION OF NURSE PRACTITIONERS IN WOMEN'S HEALTH; SOCIETY OF OB/GYN HOSPITALISTS

Amici Supporting Appellees

O R D E R

On June 30, 2025, the Supreme Court entered an order vacating this court's judgment in this case and remanding it for consideration in light of the Supreme Court's opinion in *United States v. Skrmetti*, 605 U.S. __ (2025). This court now vacates the district court's judgment and remands this case to the district court for further consideration in light of *Skrmetti*.

Entered at the direction of Chief Judge Diaz.

For the Court

/s/ Nwamaka Anowi, Clerk